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Haliwa-Saponi Indian Tribe

39021 Hwy 561 · P.O. Box 99
Hollister, North Carolina 27844
Phone: (252) 586-4017 · Fax: (252) 586-3918
Email: info@haliwa-saponi.com



Accepted / Filed

October 16, 2017

OCT 18 2017

Archie Lynch
Tribal Administrator

Federal Communications Commission
Office of the Secretary

Sayuri Rajapaske
Senior Legal Advisor
Office of Native Affairs and Policy
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Sayur Rajapakse:

In follow-up from my attendance during the FCC's Listening Session on Tribal Section 106 Review of Wireless Infrastructure, it is my hope that you will adopt the comments submitted by the Tribes, in addition to the recommendations on file as submitted by the National Congress of American Indians, and the comments contained herein.

Generally, you (the FCC) has a trust responsibility to Indian tribes, not to the wireless industry. All Indian tribal nations (*All, as in those listed on the BIA federally recognized tribes list, as well as those that are not*) need to have the chance to protect their sacred sites. Most Indian tribal nations believe that the tower construction notification system is working overall. The FCC should work on a government-to-government basis with all Indian tribal nations to remedy situations of concern, rather than changing the system to suit wireless companies.

While the wireless industry issues complaints about having to pay fees to Indian tribes, it does not complain about the fees it has to pay to state and local governments for permitting. Indian tribal nations are governments also, therefore the fees charged by our Indian tribal nations should be viewed as a cost of doing business just as the fees charged by other entities of government. Applicant self-certification under any circumstance is not acceptable and abrogates the trust relationship.

Finally, the United States has signed on to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Therefore, should the FCC modify its Section 106 processes based upon industry concerns, rather than the concerns of the indigenous populations of the United States, such behavior would be inconsistent with the UNDRIP. We therefore respectfully request that you honor the trust relationship with our indigenous tribal nations and the principles of the UNDRIP.

Sincerely,

Earl Evans
Tribal Councilor
Haliwa-Saponi Indian Tribe

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